1 The Honorable Marsha J. Pechman 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 9 AT SEATTLE 10 BUNGIE, INC., 11 Plaintiff, Case No. 2:22-cv-371-MJP 12 STIPULATED MOTION FOR ENTRY v. OF CONSENT JUDGMENT AND 13 NICHOLAS MINOR a/k/a "LORD NAZO", PERMANENT İNJUNCTION 14 Defendant. NOTING DATE: June 26, 2024 15 16 STIPULATION AND MOTION FOR ENTRY OF JUDGMENT 17 Defendant Nicholas Minor ("Defendant") and Plaintiff Bungie, Inc. through their 18 undersigned counsel, hereby stipulate as follows and jointly move this Court to enter an Order and 19 the Stipulated Judgment, with stipulations and injunctions as follows: 20 1. Defendant submitted 96 fraudulent DMCA takedown notices against creators in the 21 Destiny 2 community, purportedly on behalf of the Plaintiff as its Agent but without any authority 22 of any kind. 23 2. Defendant's false takedown notices infringed Plaintiff's intellectual property rights 24 under 17 U.S. Code § 512(f). 25 3. Defendants' infringement was willful. 26 CONSENT JUDGMENT AND PERMANENT INJUNCTIONC - 1

- 4. Defendant's infringement was directed against content featuring 54 of Plaintiff's works.
- 5. Judgment will be entered against Defendant in the amount of \$8,100,000.00, representing statutory damages of \$150,000 per infringed work under 17 U.S.C. § 512(f).
- 6. Any claims alleged in the Complaint and not addressed herein are withdrawn by Plaintiff and dismissed.

In addition, pursuant to 17 U.S.C. § 502, and this Court's inherent equitable powers, the Court orders as follows:

- 7. Defendant, all persons acting under Defendant's direction or control (including but not limited to Defendants' agents, representatives, and employees), and any persons or companies in active concert or participation with Defendant who receive actual notice of this Order by personal service or otherwise, must immediately and permanently cease and desist from any of the following:
 - a. Creating, maintaining, or using any kind of account that purports to affiliate, to act on behalf of, or to be the Plaintiff, Bungie, Inc.
 - b. Filing DMCA takedowns against *Destiny 2* creators on false pretenses.
- 8. Defendant is prohibited from using any social network, video sharing, or digital messaging accounts under his control (including, but not limited to, Facebook, groups or chats on Facebook, YouTube, Twitter, TikTok, Discord, GBATemp, Reddit, Telegram, Skype, WeChat, WhatsApp, Signal, or their equivalent) to provide any content relating to or featuring Plaintiff's intellectual property or to impersonate Plaintiff or its Agents in any way.
- 9. Defendant is further prohibited from engaging in any other violation of the Digital Millennium Copyright Act or the Copyright Act, or any other federal or state law, with respect to Plaintiff Bungie, Inc. and its intellectual property and with respect to all of Plaintiff's affiliates, including Sony Interactive Entertainment, LLC and other Sony-affiliated companies, and their intellectual property.

- 10. Defendant must delete the *Destiny 2* and *Destiny* games from any machine under his control, as well as any software that in any way interacts with or pertains to Plaintiff's Intellectual Property.
- 11. Defendant is further prohibited from directly or indirectly threatening, harassing, or harming Plaintiff and Plaintiff's affiliates, including Sony Interactive Entertainment, LLC. and other Sony-affiliated companies, and/or their employees or agents.
- 12. This permanent injunction constitutes a binding court order, and any violations of this order by Defendant will subject them to the full scope of this Court's contempt authority, including punitive, coercive, and monetary sanctions.
- 13. Any company or entity that Defendant controls in the future will also comply with the provisions of this Judgment and Permanent Injunction.
- 14. This permanent injunction is binding against Defendant worldwide, without regard to the territorial scope of the specific intellectual property rights asserted in the Complaint and may be enforced in any court of competent jurisdiction wherever Defendant or his assets may be found.
- 15. The Parties irrevocably and fully waive notice of entry of this Judgment and Permanent Injunction and notice and service of the entered Judgment and Permanent Injunction. Plaintiff is not required to post any bond or security in connection with the Final Judgment and Permanent Injunction, and Defendant has permanently, irrevocably, and fully waived any right to request a bond or security.
- 16. The Parties irrevocably and fully waive all rights to appeal this Judgment and Permanent Injunction, to have it vacated or set aside, to seek or obtain a new trial thereon or otherwise to attack in any way, directly or collaterally, its validity or enforceability.
- 17. Nothing contained in this Judgment and Permanent Injunction limits the right of the Plaintiff to seek relief, including, without limitation, damages, for any infringements of any Intellectual Property rights occurring after the date of this Judgment and Permanent Injunction.

1	18. The Court will retain jurisdiction of this action to entertain further proceedings and
2	to enter further orders as may be necessary or appropriate to implement and enforce the provisions
3	of this Judgment and Permanent Injunction. The Parties consent to the personal jurisdiction of the
4	United States District Court for the Western District of Washington for purposes of enforcing the
5	Judgment and Permanent Injunction.
6	19. The Court finds there is no just reason for delay in entering this Judgment and
7	Permanent Injunction and, pursuant to Federal Rule of Civil Procedure 54, the Court directs
8	immediate entry of this Judgment and Permanent Injunction against Defendant Nicholas Minor.
9	
10	/s/ Akiva M. Cohen
11	Akiva M. Cohen, New York Bar No. 4328969
12	(Admitted <i>pro hac vice</i>) KAMERMAN, UNCYK, SONIKER
13	& KLEIN, P.C. 1700 Broadway
14	New York, NÝ 10019 Telephone: (212) 400-4930
15	Email: acohen@kusklaw.com
16	<u>/s/ Dylan M. Schmeyer</u>
17	Dylan M. Schmeyer, Colorado Bar No. 50573
18	(Admitted <i>pro hac vice</i>) KAMERMAN, UNCYK, SONIKER
	& KLEIN, P.C. 3598 E. 106 th Ave
19	Thornton, CO 80233
20	Telephone: (719) 930-5942 Email: dschmeyer@kusklaw.com
21	Attorneys for Plaintiff
22	/s/ Nicholas Ranallo
23	Nicholas Ranallo WASB# 51439
24	Ranallo Law Office 5058 57 th Avenue S
24	Seattle, WA 98118
25	Telephone: (831) 607-9229
26	Email: <u>nick@ranallolawoffice.com</u>

Case 2:22-cv-00371-MJP Document 49 Filed 06/26/24 Page 5 of 5

1	/s/ Brian H Getz
2	Pro hac vice Brian H Getz (CA Bar No. 85593)
3	Law Office of Brian H Getz
	90 New Montgomery Street, Suite 1250 San Francisco, CA 94105
4	Telephone: (415) 912-5886
5	Email: <u>brian@briangetzlaw.com</u>
6	<u>/s/ Petra M. Reinecke</u> Pro hac vice
7	Petra M. Reinecke (CA Bar No. 154482)
8	Law Offices of Petra M. Reinecke
9	90 New Montgomery Street, Suite 1250 San Francisco, CA 94105
	Telephone: (415) 591-1102
10	Email: <u>pmrlawoffices@gmail.com</u>
11	Attorneys for Defendant NICHOLAS MINOR
12	
13	
14	<u>ORDER</u>
15	PURSUANT TO STIPULATION, IT IS SO ORDERED. The Clerk is directed to enter
16	judgment against Defendant Nicholas Minor and in favor of plaintiff Bungie, Inc. in conformity with
17	the stipulations above.
18	
19	DATED:
20	
21	Marsha J. Pechman
	United States District Court Judge
22	
23	
24	
25	
26	
	STIPULATED JUDGMENT AND PERMANENT INJUNCTION - 5